

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

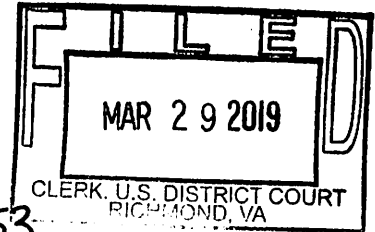
for the

Eastern District of Virginia

United States of America
v.

Jose Sabino Aguirre-Leon
aka Jose Sabino Aguirre

Case No. 3:19mj053



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 26, 2019 in the county of Henrico in the
Eastern District of Virginia, the defendant(s) violated:

Code Section
8 U.S.C. 1326(a), (b)(1)

Illegal Reentry

Offense Description

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Heather Hart Mansfield

Complainant's signature

Richard Tine, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: March 29, 2019

City and state: Richmond, Virginia

Judge's signature

Roderick C. Young, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA,

v.

Jose Sabino AGUIRRE-LEON
aka; Jose Sabino AGUIRRE

Defendant.

Criminal No. 3:19mj053

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard Tine, being duly sworn state the following:

1. I am a Deportation Officer for U. S. Immigration & Customs Enforcement ("ICE") and am currently assigned to the Richmond Sub-Office of the Washington Field Office. I have been employed by the Agency since March 2010. My duties as a Deportation Officer involve enforcement of the Immigration and Nationality Act, particularly the location and apprehension of criminal aliens for prosecution and removal.
2. This affidavit is in support of a criminal complaint charging Jose Sabino AGUIRRE-LEON; aka: Jose Sabino AGUIRRE, with Reentry After Deportation, in violation of 8 U.S.C. § 1326(a), (b)(1). As described herein, Jose Sabino AGUIRRE-LEON, aka; Jose Sabino AGUIRRE, is a citizen of Mexico, is an alien who was previously removed from the United States, reentered the United States, and was found in the United States within the Eastern District of Virginia without having first obtained

the express consent of the Attorney General or, his successor, the Secretary of Homeland Security.

3. The facts and information contained in this affidavit are based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause but is not intended to include each and every fact and matter observed by me or known to the government.
4. A review of ICE's files and computer records revealed that Jose Sabino AGUIRRE-LEON, born September 12, 1976, in Mexico, and at all times a citizen of Mexico, was first encountered by the former Immigration and Naturalization Service at the San Ysidro San Diego California port of entry on December 30, 2000.
5. On December 31, 2000, AGUIRRE-LEON was issued a Notice and Order of Expedited Removal charging him with section 212(a) (7) (A) (i) (I) of the Immigration and Naturalization Act in that he was an immigrant without proper documentation, and attempted to elude inspection and gain admission to the United States by concealing himself in the trunk of a vehicle.

6. On December 31, 2000, AGUIRRE-LEON was removed from the United States to Mexico from the San Ysidro port of entry. An Immigration form I-296 is in his file verifying his departure.
7. On a date after December 31, 2000, AGUIRRE-LEON reentered the United States at an unknown location and time without permission.
8. On September 24, 2009, AGUIRRE-LEON was encountered by Immigration and Customs (ICE) officers while incarcerated at the Riverside Regional jail in Hopewell Virginia. An interview was conducted and alienage and removability were determined. A set of fingerprints was also collected from AGUIRRE-LEON and the results matched with alien registration number xxx xxx 422. This alien registration number belongs to AGUIRRE-LEON who was removed from the United States on December 31, 2000 at the San Ysidro port of entry to Mexico.
9. On September 24, 2009, AGUIRRE-LEON was served with an I-871 Notice of Intent to reinstate a prior removal order.
10. On March 16, 2010, AGUIRRE-LEON pled guilty in the U.S. District Court in the Eastern District of Virginia, case number 3:09CR00350, to the charge of 8 U.S.C. 1326(a). AGUIRRE-LEON was sentenced to 7 months' incarceration with one year of supervised release.
11. On June 24, 2010, AGUIRRE-LEON was removed to Mexico from Laredo Texas. A signed I-205 warrant of removal is contained in the alien registration verifying this removal.

12. On a date after June 24, 2010, AGUIRRE-LEON reentered the United States at an unknown location and time, without the permission of the United States Attorney General or the Secretary of Homeland Security.
13. On March 26, 2019, AGUIRRE-LEON was encountered at the Henrico County Courthouse in Henrico, Virginia. Immigration and Customs Enforcement Officers were able to determine alienage and the identity of AGUIRRE-LEON, and he was taken into ICE custody without incident. Record checks to include fingerprint verification revealed that AGUIRRE-LEON was previously removed to Mexico and assigned alien registration number xxx xxx 422.
14. On March 26, 2019, AGUIRRE-LEON entered ICE custody and was served with an I-871 Notice of intent to reinstate a final order.

15. Based on the facts and information set forth above, I respectfully submit that there is probable cause to believe that AGUIRRE-LEON illegally reentered the United States after having been deported or removed, in violation of Title 8, United States Code, Section 1326 (a), (b)(1).



Richard Fine
Deportation Officer
United States Immigration &
Customs Enforcement

Sworn to and subscribed
Before me March 29, 2019


/s/

Roderick C. Young
United States Magistrate Judge